

**STATE OF HAWAII
REQUEST FOR EXEMPTION FROM CHAPTER 103F, HRS**

To: Chief Procurement Officer

03 OCT 23 P12:32

FROM: Chiyome L. Fukino, M.D., Director of Health

Janet Kadohira
ADMINISTRATION
STATE PROCUREMENT OFFICE

Pursuant to § 103F (a)(4), HRS, and Chapter 3-141, HAR, the Department requests a procurement exemption to purchase the following:

Description of goods, services, or construction:

Pursuant to §321-171, Hawaii Revised Statutes (HRS), the Department of Health (DOH) is responsible to "provide preventative, diagnostic, treatment and rehabilitative services for emotionally disturbed and mentally ill children and youth." The DOH's Child and Adolescent Mental Health Division (CAMHD) is responsible for providing mental health services to youth. Therefore, the provision of services covered under this exemption request is to ensure the State provides appropriate services and complies with the Individuals with Disabilities in Education Act (IDEA) (20 U.S.C. §1401) and Section 504 of the Rehabilitation Act.

This request for exemption from Chapter 103F, HRS, is for the placement of youth requiring treatment and rehabilitation services in out-of-state psychiatric facilities and other services that may include ancillary services, limited medical care and services to facilitate the transition of the youth from an inpatient milieu. The decision to place a youth in an out-of-state facility is only after all efforts to meet the youth's treatment needs in Hawaii have been exhausted; or the youth's treatment needs require a specialized treatment that is not locally available, and the determination for placement is reflected in the youth's Individualized Education Program (IEP) or court order.

Name of Service Provider:

Cost: Approximately

Term of Contract

To be determined

\$760,000.00* per

From: Date of Approval

Fiscal Year

*Expected to decrease, and
based on specialized clinical
needs of youth

To: June 30, 2004

Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:

The determination to utilize an out-of-state facility is due to court order or individualized educational plan (IEP) team decision that is based on the educational and related services needs of an individual youth. Such needs vary in terms of the specific services required and therapeutic outcomes expected. The ability to anticipate, develop, and adequately meet all necessary procurement requirements for each youth in need of services in a timely manner is not practicable. Any delay of a service that is determined to be clinically necessary would not be in the best interest of the youth or the State. The need to place youth in out-of-state facilities occurs only after all local options have been considered. The CAMHD service delivery system is responsive to the behavioral health treatment needs of most youth; however, there are a few youth who have complex clinical needs that require treatment in out of state facilities. If these youth do not receive this treatment, the State is in violation of court order or federal law, Individuals with Disabilities Education Act.

Based on the aforementioned, it would not be practical to engage in a competitive procurement as the unit rate(s) for out-of-state facilities, in general, are competitive with or less than rates established by the CAMHD for community- and/or hospital-based residential programs.

Details of the process or procedure followed in selecting the service provider to ensure maximum fair and open competition as practicable:

All decisions are made through a multidisciplinary treatment team and the Individualized Educational Program process, and/or court ordered after all locally programs have been considered and deemed inappropriate. Provider selection is driven by the clinical needs of the youth.

A description of the state agency's internal controls and approval requirements for the exempted procurement:

In general, youth who are placed in out-of-state facilities usually are involved with multiple state departments (i.e., JUD, DHS, DOE and DOH), and the placement decision court ordered or is team based and must be in the youth's IEP. Therefore, placement decisions are made by a group of professionals knowledgeable about the youth, the meaning of the evaluation or clinical data, and the placement options. Prior to placement, the receiving state must agree in writing to accept the youth through the Interstate Compact Agreement.

A list of state agency personnel, by position title, who will be involved in the approval process and administration of the contract:

Chiyome L. Fukino, M.D., Director of Health
Christina M. Donkervoet, Chief, Child and Adolescent Mental Health Division
Alfred Arendsorf, M.D., Medical Director
Mary Brogan, Performance Manager
Family Guidance Center Branch Chief (as applicable)
T. Orvin Fillman, Dr.P.H. Public Health Administrative Officer
Nona Meyers, Contract Specialist

Direct questions to:

T. Orvin Fillman, Dr.P.H. Public Health Administrative Officer
Nona Meyers, Contract Specialist

Phone Number:

733-8370
733-8386

This exemption should be considered for list of exemptions attached to Chapter 3-141, HAR: Yes ___ No ___

I certify that the information provided above is to the best of my knowledge, true and correct.

 10/21/03
Department/ Agency Head Date

Chief Procurement Officer's Comments:

Please ensure adherence to applicable administrative requirements.

☒ Approved

☐ Denied

 11/21/03
Chief Procurement Officer Date

cc: Administrator
State Procurement Office

LINDA LINGLE
GOVERNOR OF HAWAII



CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH

P. O. BOX 3378
HONOLULU, HAWAII 96801

In reply, please refer to:
File:

A6949
Out-of-State

November 13, 2003

To: Aaron Fujioka, Chief Procurement Officer

From: *pn* Chiyome Leinaala Fukino, M.D., Director of Health *Janet K. Kadohira*

RE: Clarification for placement of youth requiring treatment and rehabilitation services in out-of-state psychiatric facilities

Clarification 1

On December 27, 2002, P.E.H. Number 03-20 was approved allowing the Child and Adolescent Mental Health Division (CAMHD) to place youth requiring treatment and rehabilitation services in out-of-state psychiatric facility. The Felix Consent Decree was cited as grounds for the exemption. Although the population served while under the consent decree will not change, the CAMHD does anticipate procedural changes as the decree is lifted. The CAMHD requests to continue to provide indicated mental health services in out-of-state facilities.

Clarification 2

The CAMHD had originally requested a cost of approximately \$720,000.00 per fiscal year, with the expectation that the number of youths would decrease. However, based on current utilization, the number of youth currently in mainland facilities has decreased, but the severity of the youth placed in mainland facilities has increased, therefore requiring an additional \$40,000.00 per fiscal year.

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